

OQ 2 Industry Position – 13 Outstanding Issues

Strategy:

Industry's primary strategy to address the 13 issues raised by OPS will be to develop OQ standards, embedded in a nationally recognized standards group (e.g. ASME, API, or other), that quantifies the specifics of OQ compliance.

1. The Distinction between O&M and New Construction

Proposed Industry Definition:

Maintenance:

Activities to maintain or restore an existing pipeline (in service, or removed from service and planned to be restored to service) to operating condition.

Maintenance excludes:

- o Activities to establish a new pipeline facility
- o Activities performed prior to tie-in or installation of materials and components on an existing pipeline

2. The treatment of emergency response

Industry Recommended Language:

We generally concur that under ideal circumstances qualified individuals should respond to emergencies. However, situations may arise where a non-OQ-qualified individual may be in a position to respond to an emergency in a more timely manner and thereby ensure the protection of people, property and the environment. In such instances the Operator must have the discretion to make a prudent decision on how and who can respond to the emergency with out any enforcement action.

When notified of an emergency situation, the operator will respond with persons qualified to perform covered tasks in response to the notification. If the first person to arrive on site is not qualified to perform the necessary tasks, they may be remotely directed by a qualified individual to take initial action to protect persons, property and the environment prior to the arrival of a qualified individual.

3. Incorporation of Additional Covered Tasks

The industry agrees that over time additional covered tasks may be identified by the operator as a result of amendments to or addition of new regulations or safety issues related to changes in technology, equipment, operating practices and operations history. Operators should perform (and document) a periodic review to identify and determine if additions to the covered tasks are appropriate. On the specific issue of mechanized excavation, individuals responsible for excavations employed or contracted by the operator will be qualified in damage prevention task(s).

4. Justification of Re-evaluation intervals

Industry has initiated a study to investigate other regulatory agencies' practices for their personnel qualification requirements and gather applicable industry data .

The study will compare the present OPS - OQ requirements with those of the following industries:

- Petrochemical - Occupational Health & Safety Administration
- Railroads - Federal Railroad Administration
- Merchant Marine - Coast Guard
- Nuclear - Nuclear Regulatory Commission

One purpose of the study is to provide guidance for the pipeline operators to establish appropriate re-evaluation intervals.

Incidents /Accidents

Industry concurs that it must be able to identify person(s) who performed covered tasks that may have contributed to an incident/accident. If an incident/accident occurred as a result of the performance of a covered task(s) the Operator's investigation will include the review of the training, evaluation criteria, evaluation methods and re-evaluation intervals related to the task(s). Depending on the results of the investigation any corrective action may include all individuals that perform the covered task related to the incident/accident and not necessarily just the individual(s) that contributed to the incident/accident. The focus should be on the qualifications related to the covered tasks that contributed to the incident/accident and not on the individual.

Performance Monitoring

The overwhelming majority of operators do not have systems (work management systems) in place to track and document who, what and where covered tasks were performed. The expense of putting such systems in place and the additional labor costs required to conduct such monitoring exceeds the perceived effect such monitoring may have on improving pipeline safety.

Requiring perpetual and systematic monitoring of the performance of the covered task implies that the Operators evaluation and qualification methods and practices are not effective. If Industry conducts the Evaluations with integrity and discipline and established effective re-evaluation intervals there will not be a need for performance monitoring. The following provisions in the OQ Rule, the protocols and operator practices represent significant actions by operators to improve pipeline safety and confirm that formal systematic monitoring of the performance of the covered task is unwarranted.

- Operators ensure through disciplined evaluations that only qualified individuals perform covered tasks.
- Operators will conduct a periodic review of its OQ Program that may include:

1. Review the number of individuals who were re-evaluated due to performance contributing to an incident or for reasonable cause
2. Review of covered task list and the determine the new need for any proposed revisions, additions, or deletions
3. Review of the evaluation methods determine if the addition or deletion of certain evaluation methods are appropriate
4. Review and where appropriate modify re-qualification intervals
5. Review and assess effectiveness of the communication of change process
6. Conduct periodic reviews to ensure OQ programs are being implemented consistently and within established parameters

5. Reference to Training

The industry agrees that training is a component of producing qualified individuals, and that we are committed to work with OPS to develop a national consensus-based standard on the applicability of training in Operator Qualification.

6. Inspection of the Approaches through which the Operator Expects to Achieve Improvement

The industry disagrees that the rule requires (or even addresses) a continuous, mandated, level of improvement. Further, without data, it is inappropriate for OPS to pre-judge the “anticipated appropriateness” of the industry’s initial documented approaches.

Industry agrees to work with OPS to develop a national consensus-based standard to quantify the components of an effective program.

7. Direct observation of Non-Qualified Individuals

We agree the industry will submit a specific list of covered tasks that may not be performed by an unqualified individual (e.g. tie-in welding,). We will further develop guidance and criteria (this does not include establishing a fixed ratio for each covered task)for establishing the appropriate spans of control for tasks, based on the level of risk and complexity associated with those tasks.

We do not agree that there should be a limit on the time an unqualified individual may perform a covered task if a qualified individual observes him. It is the industry view that the decision not to qualify an individual in a covered task, but to allow them to perform the work under the direction of a qualified person, is an economic decision outside the boundary of OQ. Further we believe that there is no safety basis for assigning arbitrary time limit provided this always takes place under the direction of a qualified individual.

8. Abnormal Operating Conditions

The industry agrees that as operators it is necessary for us to periodically evaluate events that occur in the operation of our systems to identify new AOCs that may not currently be embedded in our OQ plans. Therefore, at a minimum, operators (either individually or in conjunction with industry associations) will periodically, and after each reportable incident (or accident), review the AOC list for completeness.

We also agree that each operators OQ plan should include provisions to identify, communicate, and incorporate (if necessary) new AOCs in it's plan.

9. Qualified Person Contribution to Incidents

Issue addressed in #4

10. Acceptable Evaluation Methods (KSA)

The industry agrees that, on a task-by-task basis, a qualified individual may be required to possess one or all of the following: knowledge, skill or ability (KSA). We further agree that, on an individual task basis, required KSAs should be verified by one or more evaluations designed for that purpose.

An evaluation may be designed to address knowledge, skill or ability, or all three. For example, a performance evaluation designed to include orally administered knowledge items, can evaluate an individual's knowledge, skill and ability to perform a covered task. In this example:

- Knowledge is evaluated by administering predetermined knowledge items orally,
- Skill is evaluated by observing the identified performance steps and criteria, and
- Ability (mental and physical) is inherently evaluated as knowledge and skills are demonstrated..

As indicated in the OQ Rule, evaluation may be completed by a number of methods. It is possible for an individual to demonstrate initial or continued qualification (subsequent evaluation) through a combination of knowledge evaluation and demonstrated performance on the job. The knowledge evaluation may be completed using a written, oral or computed based testing, or other appropriate method. The skill and ability to perform may be demonstrated through the use of work history records, documented observations of performance on the job, or other evaluation methods that have been designed for this purpose. For example an individual that reads test stations frequently has demonstrated through performance on the job the skill and ability to do so. Records that document this work history combined with a knowledge evaluation would be adequate to demonstrate continued qualification.

11. Extent of Documentation

The industry agrees that the OQ rule requires that more than four records be kept to demonstrate compliance. We also agree that these records may include:

- The identification of the method used to establish the covered task list
- The operators covered task list
- The identification of the persons who are qualified to perform covered tasks
- The evaluation method used to qualify individuals in the covered tasks.
- The revaluation interval for each covered task

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We further propose that the Industry Task Force and OPS work jointly to develop a standard list of records necessary to demonstrate compliance with the rule.

12. Noteworthy Practices

Though we note there is no requirement in the rule to create an OQ best practices communications process, we agree that a voluntary practice of disseminating different methods of OQ compliance, re-qualification, documentation methodology, and other OQ practices to the industry has value. We further believe that industry associations are an appropriate method for identifying and disseminating best practices to similar operators.

The industry agrees that consensus standards are an appropriate method for establishing parameters for this voluntary noteworthy practice communication, and that these practices should be among the methods the operator uses when considering revisions to the OQ plan. We also agree to work with OPS to develop these specific standards.

13. Acceptance Criteria for Small Operators

The industry agrees to work with OPS to develop the standards that will apply to small operators. The industry also believes that an OQ document, similar to the “Pipeline Safety Guide for Small Operators” would be an appropriate vehicle for communicating these standards.

Though it should be noted that this development process cannot take place until the outstanding issues and specific content of the protocol are resolved, and until OPS further clarifies the level of flexibility it is willing to apply when inspecting small operators for compliance with the OQ rule.

